

Exhibits A and A-1

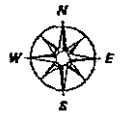
PROPERTY

(Attach legal description of Property to be purchased by Agency and 1.06 acre YMCA parcel to be retained by Agency.)

THE PROPERTIES IDENTIFIED HEREIN ARE SHOWN ON THE MAP ATTACHED HERETO. THE FINAL LEGAL DESCRIPTIONS WILL BE PREPARED BY THE COUNTY AND INSERTED HEREIN PRIOR TO CLOSE OF ESCROW BETWEEN THE AGENCY AND THE COUNTY.



Calaveras Blvd.



S. Main St.

S. Abel St.

Great Mall Pkwy

8605009  
(Portion)

8610023

8611013

Exhibit B

ELMWOOD COMMERCIAL PROPERTY

(Attach legal description of Elmwood commercial property.)

THE LEGAL DESCRIPTION OF THIS PROPERTY WILL BE PREPARED BY THE  
COUNTY AND INSERTED HEREIN PRIOR TO CLOSE OF ESCROW BETWEEN THE  
AGENCY AND THE COUNTY

Exhibit C

ADDED TERRITORY

(Attach legal description of territory to be added pursuant to the Plan Amendment.)

EXHIBIT C  
LEGAL DESCRIPTION FOR AMENDMENT NO. 8 TO THE  
REDEVELOPMENT PROJECT AREA NO. 1  
MILPITAS, CALIFORNIA

**PARCEL A**

Commencing at the monument at the intersection of the centerlines of Abel Street and Curtis Avenue having a coordinate of N1977865.191, E6153460.606, California coordinate System Zone 3; thence N77°05'33"E, 539.08 feet to the point of beginning of this description, said point being the south east corner of Curtis Avenue and South Main Street per Book 244 of Maps, Page 4, Santa Clara County Records, thence N17°51'03"W 395.01 along the easterly line of South Main Street, thence S72°08'57"W, 60.00 feet to the westerly line of South Main Street; thence on a curve to the right having a radius of 4030.00 feet through a central angle of 4°44'05", an arc of 333.02 feet; thence along the centerline of Penitencia Creek the following course:

S62°08'47"W, 40.39 feet;

N46°26'13"W, 49.02 feet;

N33°43'53"W, 157.01 feet;

N10°54'53"W, 257.07 feet;

N33°14'53"W, 177.30 feet;

N48°20'03"W, 116.81 feet;

N28°34'23"W, 61.84 feet to the northerly line of the City and County of San Francisco per Book 168 of Maps, Pages 1-2.

Thence along the northwesterly line of the City and County of San Francisco N66°04'07"E, 50.83 feet;

Thence N10°27'43"W, 180.24 feet;

Thence S79°39'57"W, 226.16 feet to the easterly line of Abel Street;

Thence along the easterly line of Abel Street N10°21'53"W, 366.04 feet to the north east corner of Parcel B in Book 157 of Maps, Page 56;

Thence S62°58'40"W, 46.72 feet to the centerline of Abel Street;

Thence along the centerline of Abel Street N11°24'30"W, 437.18 feet to the northerly line of Tract 1047 recorded in Book 51 of Maps, Pages 20-21, Santa Clara County Records;

Thence S69°34'20"W, 45.56 feet to the westerly line of Abel Street;

Thence N10°22'21"W, 21.27 feet along the westerly line of Abel Street; being the easterly line of Tract 4817 recorded in Tract 274 of Maps, Pages 29-30, Santa Clara County Records the following courses;

On a curve to the left having a radius of 993.13 feet through a central angle of  $16^{\circ}48'50''$ , an arc of 291.44 feet;

On a curve to the right having a radius of 1183.14 feet through a central angle of  $5^{\circ}25'43''$ , an arc of 112.10 feet to the centerline of Junipero Drive;

Thence on a curve to the right having a radius of 1183.14 feet through a central angle of  $1^{\circ}27'12''$ , an arc of 30.01 feet to the northwesterly line of Junipero Avenue;

Thence along the said northwesterly line  $S70^{\circ}36'29''W$ , 729.56 feet;

Thence leaving the said northwesterly line  $N19^{\circ}52'10''W$ , 123.61 feet;

Thence  $S70^{\circ}36'29''W$ , 436.53 feet;

Thence  $N17^{\circ}02'43''W$ , 93.06 feet;

Thence  $S72^{\circ}57'17''W$ , 316.07 feet to the southwest corner of Parcel 1 recorded in Book 578 of Maps, Pages 1-3, Santa Clara County Records;

Thence  $S72^{\circ}57'17''W$ , 150.14 feet to the southwest corner of Parcel 1 recorded on Book 531 of Maps, Pages 13-14, Santa Clara County Records;

Thence  $S72^{\circ}57'17''W$ , 469.64 feet to State Hwy 880;

Thence along the off ramp of HWY 880  $N18^{\circ}43'21''E$ , 279.73 feet;

Thence on a curve to the right having a radius of 150.00 feet through a central angle of  $42^{\circ}55'52''$ , an arc of 112.40 feet;

Thence  $N61^{\circ}39'13''E$ , 218.04 feet;

Thence  $N58^{\circ}20'W$  212 feet more or less crossing HWY 237 to the southeast corner of Lot 2 recorded in Book 514 of Maps, Page 23, Santa Clara County Records;

Thence along the on ramp of HWY 880  $S78^{\circ}48'22''W$ , 15.75 feet;

Thence on a curve to the right having a radius of 400.00 feet through a central angle of  $38^{\circ}11'26''$ , an arc of 266.63 feet;

Thence  $N57^{\circ}34'00''W$ , 75.29 feet;

Thence leaving the on ramp  $N23^{\circ}53'53''E$ , 425.82 feet;

Thence N11°30'51"W, 166.88 feet;

Thence N20°07'51"W, 44.67 feet to the northwest corner of Parcel 1 recorded in Book 275 of Maps, Page 22, Santa Clara County Records;

Thence S86°03'51"E, 62.83 feet;

Thence N81°29'25"E, 94.57 feet to the westerly line of Abbott Avenue;

Thence N69°52'09"E, 65.00 feet to the easterly line of Abbott Avenue;

Thence S21°02'15"E, 16 feet more or less along the easterly line of Abbott Avenue;

Thence N70°31'45"E, 207.89 feet to the northeast corner of Parcel C recorded in Book 65 of Maps, Page 3, Santa Clara County Records;

Thence S 20°40'15"E, 417.16 feet;

Thence N72°27'45"E, 285.43 feet;

Thence N20°40'15"W, 391.78 feet;

Thence N70°24'58"E, 976.91 feet;

Thence N11°07'18"W, 97.51 feet

Thence N74°22'50"E, 66.42 feet to the westerly line of Abel Street;

Thence along the westerly line of Abel Street the following courses:

N12°45'20"W, 726.69 feet;

N6°26'04"W, 191.13 feet;

N74°55'44"E, 5.06 feet;

N6°26'04"W, 165.74 feet;

On a curve to the left having a radius of 345.00 feet through a central angle of 12°11'41", an arc of 73.43 feet in Book 117 of Maps, Pages 50-52, Santa Clara County Records;

On a curve to the left having a radius of 955.00 feet through a central angle of 6°28'38", an arc of 107.96 feet;

N73°45'11"E, 90.00 feet to the northerly line of Weller Lane;

Thence along the said northerly line the following courses:

On a curve to the left having a radius of 50.00 feet through a central angle of 85°01'22", an arc of 74.20 feet per Book 327 of Maps, Page 16, Santa Clara County Records;

On a curve to the right having a radius of 395.00 feet through a central angle of 27°10'49", an arc of 187.38 feet;

S74°05'22"E, 125.05 feet;

On a curve to the left having a radius of 305.00 feet through a central angle of  $23^{\circ}30'49''$ , an arc of 125.17 feet;

On a curve to the left having a radius of 50.00 feet through a central angle of  $81^{\circ}07'10''$ , an arc of 70.79 feet to the westerly of North Main Street;

Thence along the westerly line of North Main Street the following courses;

On a curve to the right having a radius of 532.97 feet through a central angle of  $13^{\circ}30'48''$ , an arc of 125.70 feet;

N $14^{\circ}47'27''$ E, 309.65 feet;

On a curve to the left having a radius of 466.97 feet through a central angle of  $44^{\circ}25'39''$ , an arc of 362.14 feet;

N $29^{\circ}38'32''$ W, 103.82 feet;

N $60^{\circ}21'28''$ E, 66.00 feet to the easterly line of North Main Street, said point being the south corner of Lot 114 of the Tract Map 2545 recorded in Book 117 of Maps, Pages 50-52, Santa Clara County Records;

Thence along the easterly line of the said Tract Map 2545, being the southwesterly line of Santa Clara County Flood Control & Water Conservation District the following courses;

N $10^{\circ}33'10''$ W, 1313.62 feet;

On a curve to the left having a radius of 5594.686 feet through a central angle of  $9^{\circ}35'03''$ , an arc of 935.85 feet to the north corner of the said Tract Map 2545, being a point on the southeasterly line of Abel Street;

Thence on a curve to the left having a radius of 5595.00 feet through a central angle of  $0^{\circ}21'33''$ , an arc of 35.07 feet;

Thence S $80^{\circ}16'04''$ E, 116.22 feet;

Thence N $21^{\circ}23'10''$ W, 159.83 feet;

Thence N $43^{\circ}47'24''$ E, 159.53 feet to the right of way of Western Pacific Railroad (WPRR);

Thence along the easterly right of way of Western Pacific Railroad the following courses;

S $21^{\circ}24'00''$ E, 421.95 feet to a non-tangent point having a radial bearing of S $65^{\circ}21'49''$ W;

On a curve to the right having a radius of 11419.00 feet through a central angle of  $1^{\circ}37'00''$ , an arc of 322.20 feet;

S $23^{\circ}01'01''$ E, 110.00 feet;

S $23^{\circ}01'01''$ E, 504.57 feet;

N $75^{\circ}33'54''$ E, 10.11 feet;

S $23^{\circ}01'01''$ E, 1497.20 feet;

N $75^{\circ}20'07''$ E, 10.11 feet;



S23°01'01"E, 1144.24 feet to the north west corner of Parcel 2 recorded in Book 363 of Maps, Page 33, Santa Clara County Records;  
S23°01'01"E, 324.61 feet along the westerly line of the said Parcel 2;  
Thence N75°28'42"E, 178.51 feet along the southerly line of the said parcel 2;

Thence S14°31'18"E, 46.20 feet to the north west corner of Parcel 1 in Book 417 of Maps, Page 21, Santa Clara County Records;

Thence along the westerly line of Parcels 1 and 2 of the said map the following courses:

S23°01'01"E, 691.28 feet;  
S75°28'39"W, 70.55 feet;  
S23°01'01"E, 888.78 feet;  
S66°58'59"W, 50.00 feet;  
S23°01'01"E, 914.25 feet to the south west corner of Parcel 2 of the said map;  
said point also being the most westerly corner of the Parcel Map recorded in Book 542 of Maps, Page 50, Santa Clara County Records;

Thence along the southerly line of said Parcel Map in Book 542 of Maps, Page 50 the following courses:

S23°01'01"E, 192.43 feet;  
S75°29'08"W, 20.32 feet;  
S23°01'01"E, 1525.21 feet

Thence along the northerly line of Curtis Avenue S66°59'30"W, 1977.61 feet to the point of beginning.

Containing 342.5 Acres more or less.

## **PARCEL B**

All that certain real property situated in the City of Milpitas, County of Santa Clara, State of California, being described as follows:

Commencing at a monument at the intersection of the centerlines of Gladding Court and Montague Expressway, having a coordinate of N1975425.75, E6158374.56, California Coordinate System Zone 3, recorded in a record of survey recorded in Book 737 of Maps, Page 42, Santa Clara County Records, thence S69°46'08"W, 925.66 feet along the centerline of Montague Expressway; thence S23°00'15"E, 45.95 feet to the point of beginning of this description, said point being the southwest corner of Parcel D as shown on the Record of Survey recorded in Book 308 of Maps, Page 16, Santa Clara County Records;

Thence along the southerly line of the said Record of Survey in Book 308 of Maps, Page 16, being the southerly line of Montague Expressway the following courses;

N75°40'00"E, 150.61 feet;  
On a curve to the left having a radius of 1067.00 feet through a central angle of 5°53'52", an arc length of 109.83 feet;

N69°46'08"E, 589.07 feet;

Thence on a curve to the right having a radius of 40.00 feet through a central angle of 90°00'00", an arc length of 62.83 feet to the southwesterly line of Gladding Court, being the south corner of Parcel E recorded in Book 308 of Maps, Page 16, and southeast corner of Parcel CC recorded in Book 308 of Maps, Page 18, Santa Clara County Records;

Thence N69°46'08"E, 60.00 feet to the easterly line of Gladding Court;

Thence on a curve to the right having a radius of 40.00 feet through a central angle of 90°00'00", an arc of 62.83 feet;

Thence along the southerly line of Montague Expressway the following courses;

N69°46'08"E, 300.00 feet;

N66°19'45"E, 200.00 feet;

N69°46'08"E, 117.41 feet to the southeast corner of Parcel D of the said parcel map recorded in Book 308 of Maps, Page 18 and the northwest corner of Santa Clara County Flood Control & Water District Right of Way as shown on a parcel map recorded on December 14, 1973 on Book 334 of Maps, Page 8, Santa Clara County Records;

N73°12'09"E, 95.36 feet crossing the Right of Way of Santa Clara County Control & Water District;

N73°12'09"E, 103.65 feet;

N69°46'08"E, 150.00 feet;

N69°46'08"E, 100.00 feet crossing Watson Court;

N69°46'08"E, 178.62 feet to the northeast corner of Parcel 1 recorded in Book 337 of Maps, Page 33, Santa Clara County Records;

N69°46'08"E, 182.08 feet along the northerly line of Parcel 1 recorded in Book 67 of Maps, Pages 27-28, Santa Clara County Records;

N69°46'08"E, 116.00 crossing Pecten Court;

N69°46'08"E, 204.21 feet along the northerly line of the property at Grant Deed Instrument No. 6781691;

N26°15'17"W, 1.18 feet to the northwest corner of the property at Grant Deed Instrument No. 7818251;

N74°20'14"E, 74.68 feet along the northerly line of the above said property at Grant Deed 7818251;

On a curve to the right having a radius of 312 feet through a central angle of 16°42'55", an arc of 91.02 feet;

On a curve to the right, having a radius of 312.00 feet through a central angle of 11°01'06", an arc of 60.00 feet;

Thence leaving Montague Expressway S30°42'00"E, 100.00 feet to the southerly line of Pecten Court, said point being the northeast corner of the property at Grant Deed Instrument No. 15529941;

Thence along the northeast line of the said property in Grant Deed No. 15529941  
S30°42'00"E, 739.12 feet;

Thence S64°09'30"W, 677.94 feet

Thence S30°42'30"E, 50.18 feet;

Thence S64°09'30"W, 581.90 feet;

Thence S21°04'30"E, 210.75 feet;

Thence along the limit of City of Milpitas the following courses;

S64°05'00"W, 1508.74 feet along the southeast line of Parcels 1 & 2 in Book 177  
of Maps, Page 25, Santa Clara County Records;

S51°25'30"E, 356.83 feet to the intersection of Capitol Avenue and Lundy Place;

S38°30'04"W, 339.64 feet in Book 527 of Maps, Page 34, Santa Clara County  
Records;

S38°30'04"W, 112.87 feet crossing the lands of PG&E and Western Pacific  
Railroad;

S38°30'04"W, 765.81 feet to the intersection of Lundy Place and Lundy Avenue;

S38°30'04"W, 449.59 feet to Trade Zone Boulevard;

N84°10'36"W, 239.84 feet;

N4°57'39"W, 20 feet more or less;

N84°10'36"W, 2175 feet more or less;

Thence N6°41'44"E, 48 feet more or less to the northerly line of Montague Expressway;

Thence along the northerly line of Montague Expressway the following courses;

N83°17'16"W, 235.00 feet to the northeasterly line of South Pacific Railway,  
Book 301 of Maps, Page 12, Santa Clara County Records;

N83°17'16"W, 570.46 feet to the most westerly corner of Parcel A recorded in  
Book 296 of Maps, Page 48, Santa Clara County Records;

N83°17'16"W, 265.69 feet crossing South Main Street;

N83°17'16"W, 139.37 feet along the south line of the property in Grant Deed  
Instrument No. 15167740;

N19°34'18"E, 12.31 feet;

N83°17'16"W, 99.27 feet;

On a curve to the left, having a radius of 879.00 feet through a central angle of  
4°09'45", an arc of 63.86 feet;

On a curve to the left, having a radius of 879.00 feet through a central angle of  
1°23'45", an arc of 21.41 feet;

On a curve to the right, having a radius of 40.00 feet through a central angle of  
73°11'32", an arc of 51.10 feet;

S74°20'46"W, 50.00 feet;

On a curve to the left having a radius of 80.00 feet through a central angle of  
15°22'35", an arc of 21.47 feet;

On a curve to the left having a radius of 879.00 feet through a central angle of  $3^{\circ}28'33''$ , an arc of 53.32 feet;

Thence leaving Montague Expressway, along the westerly line of Parcel 1 recorded in Book 620 of Maps, Pages 46-47, Santa Clara County Records the following courses;

N $11^{\circ}17'50''$ W, 90.15 feet;

On a curve to the right having a radius of 800.00 feet through a central angle of  $22^{\circ}03'56''$ , an arc of 308.09 feet;

N $10^{\circ}46'06''$ E, 401.02 feet;

On a curve to the right having a radius of 342.00 feet through a central angle of  $50^{\circ}50'13''$ , an arc of 303.45 feet;

N $61^{\circ}36'19''$ , 330.85 feet;

Thence N $25^{\circ}36'55''$ E, 65.55 feet to the most easterly corner of Lot 298, Tract 3886 recorded in Book 223 of Maps, Pages 33-35, Santa Clara County Records;

Thence on a curve to the left having a radius of 20.00 feet through a central angle of  $79^{\circ}35'45''$ , an arc of 27.78 feet to the southerly line of Cedar Way;

Thence N $06^{\circ}22'44''$ E, 70.00 feet to the northerly line of Cedar Way;

Thence on a curve to the left having a radius of 20.00 feet through a central angle of  $86^{\circ}36'01''$ , an arc of 30.23 feet;

Thence along the westerly line of South Main Street N $9^{\circ}46'47''$ E, 196.45 feet;

Thence along the easterly line of the property in Grant Deed Instrument No. 15098922 N $9^{\circ}46'47''$ E, 305.47;

Thence along the westerly line of Abel Street the following courses:

N $9^{\circ}46'43''$ E, 211.20 feet;

On a curve to the left having a radius of 700.00 feet through a central angle of  $41^{\circ}31'51''$ , an arc of 507.40 feet to the northerly corner of Tract 4798 recorded in Book 269 of Maps, page 49, Santa Clara County Records;

On a curve to the left having a radius of 700.00 feet through a central angle of  $13^{\circ}50'48''$ , an arc of 169.17 feet, Book 269 of Maps, Page 50, Santa Clara County Records;

N $45^{\circ}35'56''$ W, 220.00 feet;

On a curve to the right having a radius of 790.00 feet through a central angle of  $28^{\circ}29'56''$ , an arc of 392.85 feet;

Thence on a curve to the left having a radius of 20.00 feet through a central angle of  $23^{\circ}15'15''$ , an arc of 8.12;

Thence along the westerly line of Abel Street N $10^{\circ}21'53''$ W, 752.98' per Book 234 of Maps, Pages 23-25, Santa Clara County Records;

Thence N63°59'20"E, 93.50 feet;

Thence S10°21'53"E, 662.47 feet along the easterly line of Abel Street;

Thence S10°21'53"E, 27.31 feet;

Thence on a curve to the left having a radius of 700.00 feet through a central angle of 9°37'01", an arc of 117.49 feet;

Thence on a curve to the right having a radius of 20.00 feet through a central angle of 107°38'13", an arc of 37.57 feet;

Thence along the south line of West Capitol Avenue the following courses:

On a curve to the right having a radius of 532.96 feet through a central angle of 11°51'05", an arc of 110.24 feet;

S80°13'02"E, 535.05 feet;

On a curve to the right having a radius of 20.00 feet through a central angle of 89°59'45", an arc of 31.41 feet;

Thence N9°46'43"E, 26.35 feet;

Thence on a curve to the left having a radius of 855.00 feet through a central angle of 2°35'26", an arc of 38.66 feet to the centerline of West Capitol Avenue;

Thence S80°13'02"E, 90.00 feet;

Thence N1°20'04"E, 78.20 feet to a point on the easterly line of South Main Street;

Thence N2°26'03"W, 183.77 feet along the easterly line of South Main street;

Thence S58°08'30"E, 120 feet more or less to the easterly line of Southern Pacific Transportation Company;

Thence S58°08'30"E, 495.44 feet;

Thence on a curve to the right having a radius of 742.00 feet through a central angle of 10°19'06", an arc of 133.63 feet and radial bearing of S21°32'24"W to a point on the northeasterly line of Great Mall Parkway;

Thence along the said northeasterly line S58°08'30"E, 1501.39 feet;

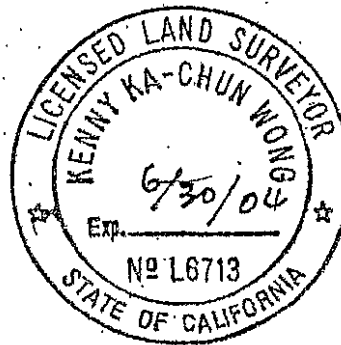
Thence S58°06'15"E, 226.48 feet;

Thence along the said northerly line the following courses;

On a curve to the left having a radius of 60.00 feet through a central angle of  $30^{\circ}11'16''$ , an arc of 31.61 feet and a radial bearing of  $N31^{\circ}51'31''E$ ;  
On a curve to the left having a radius of 70.00 feet through a central angle of  $26^{\circ}37'05''$ , an arc of 32.52 feet and a radial bearing of  $N0^{\circ}27'27''E$ ;  
 $N63^{\circ}50'22''E$ , 212.54 feet;  
On a curve to the right having a radius of 1055.00 feet through a central angle of  $11^{\circ}50'00''$ , an arc of 217.89 feet;  
 $N75^{\circ}40'22''E$ , 346.53 feet to the intersection of the southwesterly line of Union Pacific Corporation and northerly line of Montague Expressway;

Thence  $S50^{\circ}04'51''W$ , 80.13 feet to the point of beginning.

Containing 347.3 Acres more or less.



*Kenny Wong, PE, PLS*  
5/5/03.

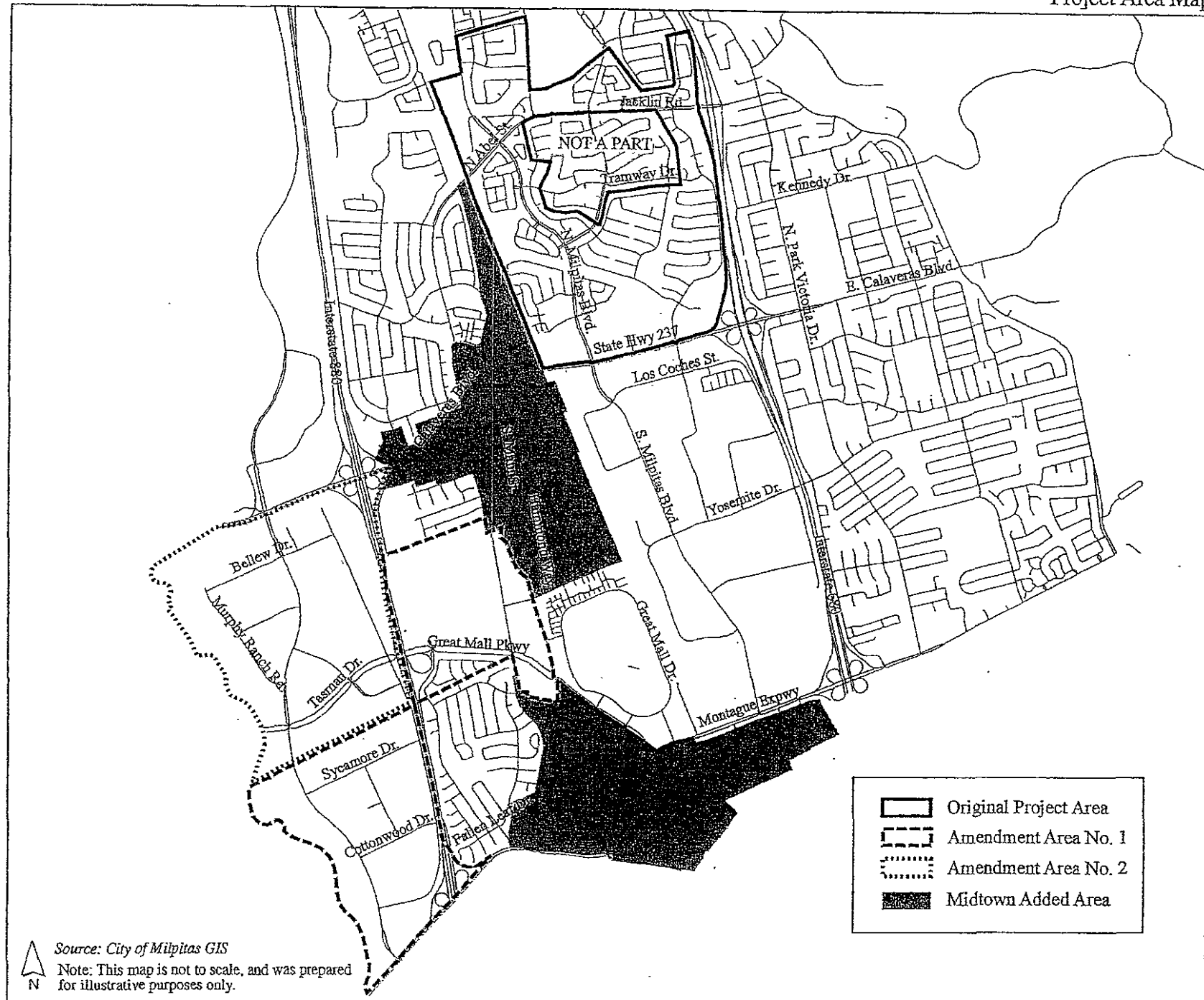


Exhibit D

FORM OF TAX SHARING AGREEMENT  
(Attach form of Sales Tax Sharing Agreement.)



## **RESOLUTION NO. \_\_\_\_**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE ENVIRONMENTAL IMPACT REPORT FOR THE ELMWOOD RESIDENTIAL AND COMMERCIAL DEVELOPMENT PROJECT**

**WHEREAS**, KB Home South Bay Inc. and the County of Santa Clara proposed General Plan and Midtown Specific Plan amendments, rezoning, tentative map, planned unit development, and other related applications for a residential development of 683 new units, approximately 7 acres of public park space, and future commercial development on an approximately 23 acre development site located north of Great Mall Parkway on both sides of Abel Street, and north and west of the existing Elmwood Correctional Facility. These applications are collectively referred to as the "Project"; and

**WHEREAS**, the tentative map would also create a separate approximately 63 acre lot for the existing Elmwood Correctional Facility; no development is proposed on the correctional facility site; and

**WHEREAS**, the City determined that an Environmental Impact Report ("EIR") would be required for the Project and circulated a Notice of Preparation dated November 19, 2003 to public agencies and interested parties for consultation on the scope of the EIR; and

**WHEREAS**, based on the responses to the Notice of Preparation, the City prepared a Draft Environmental Impact Report ("Draft EIR") dated September 27, 2004 (SCH No. 2003113102) which reflected the independent judgment of the City as to the potential environmental effects of the Project. The Draft EIR was circulated for a 45 day public review and comment period, from October 1, 2004 to November 14, 2004; and

**WHEREAS**, the Project and the EIR were the subject of several public meetings including a Neighborhood/Community meeting sponsored by the applicant on October 7, 2004, a Planning Commission work session on October 13, 2004 to acquaint the Commission and the public with the Project, and a public meeting on October 20, 2004 on the Draft EIR; and

**WHEREAS**, City staff reviewed all comments received on the Draft EIR during the public review period and prepared written responses providing the City's good faith, reasoned analysis on the environmental issues raised by the comments. Revisions to the Draft EIR were identified as appropriate. City staff reviewed all written responses to comments and all revisions to the Draft EIR and determined that none of the responses and/or revisions included significant new information requiring recirculation of the Draft EIR pursuant to CEQA Guidelines § 15088.5. The comment letters, a summary of oral comments received at the October 20, 2004 meeting on the Draft EIR, written responses to comments and revisions to the Draft EIR are contained in a separately bound Final EIR dated November 2004. The September 2004 Draft EIR and the November 2004 Final EIR together constitute the final Environmental Impact Report for the Project pursuant to CEQA Guidelines §§ 15089 and 15132, and reflect the City's independent judgment and analysis on the potential environmental impacts of the Project; and

**WHEREAS**, a staff report dated November 17, 2004 and incorporated herein by reference, described and analyzed the EIR and the Project for the Planning Commission; and

**WHEREAS**, the Planning Commission reviewed the staff report, the Draft EIR and comments received during the public comment period at a noticed public hearing on November 17, 2004, at which time all interested parties had the opportunity to be heard; and

**WHEREAS**, the Draft EIR, public comment letters, a summary of oral comments from the October 20, 2004 meeting on the Draft EIR, and other environmental documents for the Project reviewed by the Planning Commission are incorporated herein by reference, and are available for review in the City Planning Department at City Hall.

**NOW, THEREFORE, BE IT RESOLVED** that the foregoing recitals are true and correct and made a part of this resolution.

**BE IT FURTHER RESOLVED** that the Milpitas Planning Commission reviewed and considered the Draft EIR, public comment letters, a summary of oral comments from the October 20, 2004 meeting on the Draft EIR, and other environmental documents for the Project and hereby recommends that the City Council certify the EIR as complete, adequate and in compliance with CEQA and the CEQA Guidelines, and make all required mitigation and other findings.

**PASSED, APPROVED AND ADOPTED** this 17<sup>th</sup> day of November, 2004.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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Chairperson, Deepka Lalwani

ATTEST:

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Secretary, James Lindsay, Acting  
Planning Manager

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS  
RECOMMENDING THAT THE CITY COUNCIL APPROVE GENERAL PLAN AND  
MIDTOWN SPECIFIC PLAN AMENDMENTS FOR THE ELMWOOD RESIDENTIAL  
AND COMMERCIAL DEVELOPMENT PROJECT**

**WHEREAS**, KB Home South Bay Inc. and the County of Santa Clara proposed General Plan and Midtown Specific Plan amendments, rezoning, tentative map, planned unit development, and other related applications for a residential development of 683 new units on approximately 27.5 acres, approximately 7 acres of public park space, and approximately 23 acres of future commercial development located north of Great Mall Parkway on both sides of Abel Street, and north and west of the existing Elmwood Correctional Facility. These applications are collectively referred to as the "Project"; and

**WHEREAS**, the General Plan amendment would change the land use designations of approximately 19 acres north of the Elmwood Correctional Facility from General Commercial, and Parks and Open Space to Multi-Family High Density Residential (12-20 du/ac), and approximately 0.6 acres near the existing Elm tree grove from Multi-Family Very High Density Residential (31-40 du/ac) to Parks and Open Space and approximately 0.1 acres near the existing Elm tree grove from Parks and Open Space to Multi-Family Very High Density Residential (31-40 du/ac), and approximately 1.0 acres west of Interstate 880 from Parks and Open Space to General Commercial, and approximately 1.0 acres at the existing Craçolice building site from Mixed Use to Parks and Open Space (Planning Application P-GP2003-1), as further shown on Exhibit A; and

**WHEREAS**, the Midtown Specific Plan amendment would change the corresponding land use designations for the above identified amendments as further shown on Exhibit A; and

**WHEREAS**, the City prepared and circulated a Draft EIR analyzing the potential environmental effects of the Project. The City will prepare a Final EIR comprised of written responses to all comments received on the Draft EIR. On November 17, 2004, the Planning Commission adopted Resolution No. \_\_\_\_\_ recommending that the City Council certify an Environmental Impact Report for the Project, which resolution is incorporated herein by reference; and

**WHEREAS**, a staff report, dated November 17, 2004, and incorporated herein by reference, described and analyzed the Environmental Impact Report and the Project, including the proposed amendments to the General Plan and the Midtown Specific Plan; and

**WHEREAS**, the Planning Commission reviewed the staff report and the Environmental Impact Report at a noticed public hearing on November 17, 2004 at which time all interested parties had the opportunity to be heard.

**NOW, THEREFORE, BE IT RESOLVED** that the foregoing recitals are true and correct and made a part of this resolution.

**BE IT FURTHER RESOLVED** that the Planning Commission does hereby recommend that the City Council approve the following General Plan and Midtown Specific Plan amendments based on findings that the amendments are in the public interest, that the General Plan and Midtown Specific Plan as so amended will remain internally consistent, and that the Midtown Specific Plan as amended is consistent with the Milpitas General Plan.

A. Amend Figure 2-1 (General Plan Map) of the Milpitas General Plan to change the land use designations for the approximately 19 acre site (portions of APN 086-05-009) north of the Elmwood Correctional Facility from General Commercial and Parks and Open Space to Multi-Family High Density Residential, as shown on attached Exhibit A, incorporated herein by reference.

B. Amend Figure 2-1 (General Plan Map) of the Milpitas General Plan to change the land use designations for the approximately 9.7 acre site (portions of APN 086-11-013) east of Abel Street and the Elmwood Correctional Facility from Multi-Family Very High Density Residential to Parks and Open Space and from Parks and Open Space to Multi-Family Very High Density Residential, as shown on attached Exhibit A, incorporated herein by reference.

C. Amend Figure 2-1, (General Plan Map) of the Milpitas General Plan to change the land use designations for the approximately 1 acre site (portions of APN 086-05-003) west of the Elmwood Correctional Facility from Parks and Open Space to General Commercial, as shown on attached Exhibit A, incorporated herein by reference.

D. Amend Figure 2-1 (General Plan Map) of the Milpitas General Plan to change the land use designations for the approximately 1 acre site (APN: 086-10-025) east of Abel Street and north of the project site from Mixed Use to Parks and Open Space, as shown on attached Exhibit A, incorporated herein by reference.

E. Amend Figure 8.0 (Midtown Specific Plan Map) of the Milpitas Midtown Specific Plan to change the land use designations for the approximately 19 acre site (portions of APN 086-05-009) north of the Elmwood Correctional Facility from General Commercial and Parks and Open Space to Multi-Family High Density Residential, as shown on attached Exhibit A, incorporated herein by reference.

F. Amend Figure 8.0 (Midtown Specific Plan Map) of the Milpitas Midtown Specific Plan to change the land use designations for the approximately 9.7 acre site (portions of APN 086-11-013) east of Abel Street and the Elmwood Correctional Facility from Multi-Family Very High Density Residential to Parks and Open Space and from Parks and Open Space to Multi-Family Very High Density Residential, as shown on attached Exhibit A, incorporated herein by reference.

G. Amend Figure 8.0 (Midtown Specific Plan Map) of the Milpitas Midtown Specific Plan to change the land use designations for the approximately 1 acre site (portions of APN 086-05-003) west of the Elmwood Correctional Facility from Parks and Open Space to General Commercial, as shown on attached Exhibit A, incorporated herein by reference.

H. Amend Figure 8.0 (Midtown Specific Plan Map) of the Milpitas Midtown Specific Plan to change the land use designations for the approximately 1 acre site (APN: 086-10-025) east of Abel Street and north of the project site from Mixed Use to Parks and Open Space, as shown on attached Exhibit A, incorporated herein by reference.

**PASSED, APPROVED AND ADOPTED** this 17<sup>th</sup> day of November, 2004.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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Chairperson, Deepka Lalwani

ATTEST:





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Secretary, James Lindsay, Acting  
Planning Manager



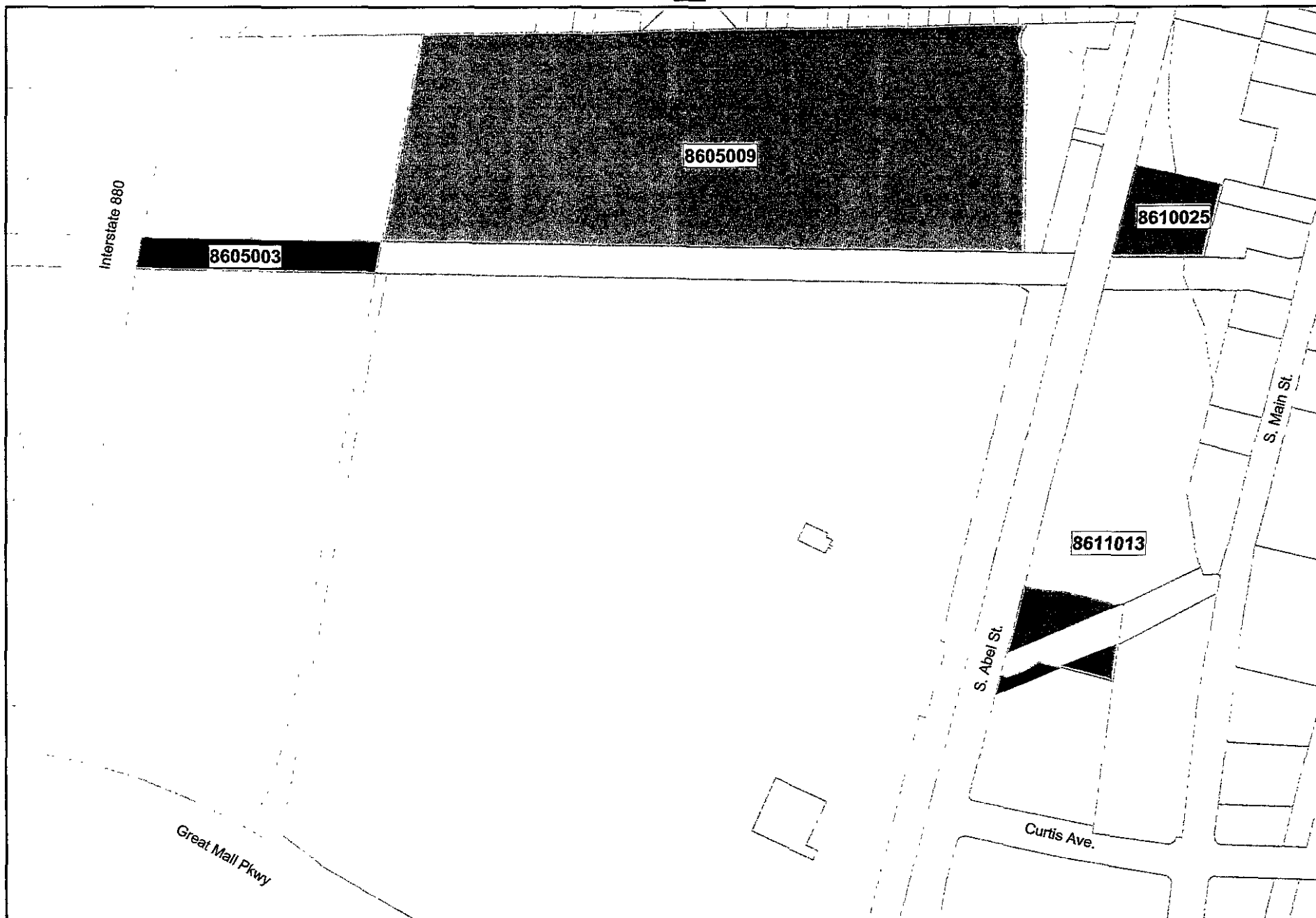
City of Milpitas  
General Plan and Midtown Specific  
Plan Amendment  
Exhibit A  
December 2004

**Map Legend:**

-  Multi-Family, Very High Density (31-40 units/gross acre, up to 60 units/gross acre in TOD).
-  Multi-Family, High Density (12-20 units/gross acre; up to 40 units/gross acres with special findings and PUD Approval)
-  Parks and Open Space
-  General Commercial



0 100 200 300 400 500 ft



REGULAR

NUMBER: 38.765

TITLE: AN ORDINANCE OF THE CITY OF MILPITAS ENACTED AS  
AN AMENDMENT TO CHAPTER 10, TITLE XI OF THE  
MILPITAS MUNICIPAL CODE.

HISTORY: This Ordinance was introduced (first reading) by the City Council  
at its meeting of \_\_\_\_\_, upon motion by Councilmember  
\_\_\_\_\_ and was adopted (Second reading) by the  
City Council at its meeting of \_\_\_\_\_, upon motion  
by Councilmember \_\_\_\_\_. Said Ordinance was duly  
passed and ordered published in accordance with law by the  
following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Gail Blalock, City Clerk

\_\_\_\_\_  
Jose Esteves, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Steven T. Mattas, City Attorney

ORDAINING CLAUSE:

THE CITY COUNCIL OF THE CITY OF MILPITAS DOES ORDAIN AS FOLLOWS:

**SECTION 1.** Recitals and Findings.

- A. Pursuant to Government Code section 65853 and 65854, the Planning Commission of the City of Milpitas held a properly noticed public hearing on November 17, 2004 to consider the amendments to Title XI, Chapter 10 of the Milpitas Municipal Code related to the Elmwood Residential and Commercial Development Project. In accordance with Government Code section 65855, the Planning Commission has rendered a decision in the form of a written recommendation, which was presented to the City Council prior to consideration of this Ordinance.
- B. Upon receipt of the Planning Commission's written recommendation, the City Council held a properly noticed public hearing on \_\_\_\_\_.
- C. The City Council finds that this Ordinance does not render Title XI, Chapter 10 inconsistent with the City of Milpitas General Plan or the Midtown Specific Plan.

**SECTION 2.** The *Zoning Map* of the City of Milpitas, which was adopted as part of Ordinance No. 38, enacted as Title XI Chapter 10 (Planning, Zoning and Annexation) of the Milpitas Municipal Code is hereby *amended by adding a new Sectional District Map No. 556*, which includes the zone change and partial zone change of 4 parcels, a copy of which is attached as Exhibit A incorporated herein by reference and summarized below.

APN	Existing Zoning	Proposed Zoning
<b>86-10-025</b> (entire parcel)	MXD	POS
<b>86-05-009</b>	C2	R3
<b>86-05-009</b>	POS	R3
<b>86-11-013</b>	R4	POS
<b>86-11-013</b>	POS	R4
<b>86-05-003</b>	POS	C2

**SECTION 3.** Publication and Effective Date. Pursuant to the provisions of Government Code Section 36933, a Summary of this Ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this Ordinance is scheduled to be adopted, the City Clerk shall (1) publish the Summary, and (2) post in the City Clerk's Office a certified copy of this Ordinance. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk's Office a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against this Ordinance or otherwise voting.





**SECTION 4.** Severability. In the event any section or portion of this ordinance shall be determined invalid or unconstitutional, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.





City of Milpitas  
New Zoning Designations  
Sectional District Map No. 556  
Exhibit A  
December 2004

**Map Legend:**

-  Multi-Family, Very High Density (31-40 units/gross acre, up to 60 units/gross acre in TOD).
-  Multi-Family, High Density (12-20 units/gross acre; up to 40 units/gross acres with special findings and PUD Approval)
-  Parks and Open Space
-  General Commercial



0 100 200 300 400 500 ft

